

The Berryville Town Council held three Public Hearings on April 11, 2006 in the Town Council Chambers at 15 E. Main Street, Berryville, Virginia.

The following were present:

Council -	Richard G. Sponseller, Mayor Allan W. McWilliams, Recorder Wilson Kirby Lawrence Russell, III Allen Kitselman
Absent -	Barry Nicholson
Staff -	Keith R. Dalton, Town Manager Desiree Moreland, Asst. Town Manager/Treasurer Christy Dunkle, Asst. Town Mgr/Town Planner Corporal Gerald Crosson, Police Department Celeste Heath, Town Clerk
Press -	Winchester Star: Bob Igoe

Mayor Sponseller called the public hearing to order to hear comments on the following:

Updated Town of Berryville Comprehensive Plan

Mayor Sponseller said that because of a problem with advertisement of the three public hearings, citizen comment would be heard on the matters, but the hearings will be continued to a special hearing on April 25th at 6:00 p.m.

Ms. Dunkle said that she has had several general comments from residents in the Planning Office and a comment from the County regarding a possible park and ride that will be added to the comments presented at the April 25th meeting.

George Dellinger, 300 Taylor Street, said that Berryville Main Street is the smallest town ever taken into the Virginia Main Street program. He said that the success of the downtown program is due in part to the Comprehensive Plan. He also mentioned that Berryville has been chosen to be on the Journey through Hallowed Ground tour that goes from Charlottesville to Gettysburg.

Ted Bishop, 213 Jackson Drive, said that in the Community Facilities section it says that the I & I study should be completed in the near future. Ms. Dunkle said that she would change that because the study has been completed. He said that he would like to see more information about the upgrade of the sewage treatment plant.

Mr. Bishop said that concerning Chapter 7 – Transportation, the Plan mentions the connection to Main Street at Early Drive to alleviate traffic on Jackson Drive. He noted the police have stepped up enforcement of speeding on Jackson Drive, but there is still a problem with speeders and also with construction traffic. He suggested that the developer should adhere to schedule for the completion of Early Drive and that he should be made to use a construction entrance.

Mr. Dalton said that the Town has held steadfast that at least Mosby Boulevard should

connect to Business Route 7. Ms. Dunkle said that the developer can use public roads for construction vehicles per VDOT regulations. Mr. Dalton said that the BADA might be able to work with the developer on that issue but that he is not optimistic.

There was a general discussion of construction traffic in Battlefield Estates.

Rick Underwood, 15 Taylor Street, said that the Town has not been hard enough on developers. He said that in Loudoun County there are always a few affordable homes in a development. He said that young people can't afford the houses being built here and that in the future we need to get more out of developers. He said that we need to do more for our seniors and that we need a teen center.

Mayor Sponseller called the public hearing to order to hear comments on the following:
Zoning Ordinance Text Amendment – Section 307.3(c) – Subdivision Signs
Mayor Sponseller said that because of a problem with advertisement of the three public hearings, citizen comment would be heard on the matters, but the hearings will be continued to a special hearing on April 25th at 6:00 p.m.

There was no public comment.

Mayor Sponseller called the public hearing to order to hear comments on the following:
Zoning Ordinance Text Amendment – Section 307.3(c) – Subdivision Signs
Mayor Sponseller said that because of a problem with advertisement of the three public hearings, citizen comment would be heard on the matters, but the hearings will be continued to a special hearing on April 25th at 6:00 p.m.

There was no public comment.

The public hearings were continued until April 25th at 6:00 p.m.

Mayor Sponseller called the TOWN COUNCIL MEETING to order at 7:46 p.m.

On motion by Council member Russell, seconded by Recorder McWilliams and passed, the minutes of the Council meeting of March 14, 2006 were approved as written.

Recorded Vote: Aye – Richard G. Sponseller, Mayor
 Allan W. McWilliams, Recorder
 Wilson Kirby
 Allen Kitselman
 Lawrence Russell, III

Nay – None

Absent – Barry Nicholson

On motion by Council member Russell, seconded by Council member Kitselman and passed, the minutes of the Council meeting of March 22, 2006 were approved as written.

Recorded Vote: Aye – Richard G. Sponseller, Mayor
 Allan W. McWilliams, Recorder

Wilson Kirby
Allen Kitselman
Lawrence Russell, III

Nay – None

Absent – Barry Nicholson

Citizen's Forum

Kate Petranec, President of Berryville Main Street, reported that she attended the Virginia Main Street awards ceremony and that Berryville received a third Milestone Award for \$10,000,000 in economic development. She said that this award speaks to good planning in Berryville. She then presented the award to the Town Council.

Sally Caldwell, 320 South Church Street, said that her grandparents owned the land that is now Rose Hill Park. She said that there is a memorial to her grandmother at the entrance to the park and that other memorials to contributors should not be placed on that monument.

Report of the Mayor, Richard G. Sponseller **Naming of Lane serving rear of Rose Hill Park**

There was general discussion of possible names for the lane.

It was moved by Council member Kirby, seconded by Recorder McWilliams that the Council of the Town of Berryville hereby names the private lane that serves Rose Hill Park from Church Street Smith Lane and that the name become effective on August 1, 2006. The Town Council hereby further confirms that this lane is privately owned and maintained and that the naming does not change the lane's designation as private.

Recorded Vote: Aye – Richard G. Sponseller, Mayor
 Allan W. McWilliams, Recorder
 Wilson Kirby
 Allen Kitselman
 Lawrence Russell, III

Nay – None

Absent – Barry Nicholson

Planning and Zoning Matters

Bond Reduction – Hermitage Phases 3 and 4B

Ms. Dunkle explained that Silver Lake Properties is requesting a bond reduction for Phases 3 and 4B of the Hermitage Subdivision. View Engineering has completed a site study on the request and is recommending the bonds be reduced to the following amounts: Retain \$2,923.00 and \$3,066.00 on Phase 3 until completion of the entire project and to reduce the bond amount for Phase 4B to \$41,984.25.

It was moved by Council member Kitselman, seconded by Recorder McWilliams and passed, that the Council of the Town of Berryville approve the request to reduce the bonds for the Hermitage Subdivision Phase 3 to \$2,923.00 and \$3,066.00 per View Engineering recommendation.

Recorded Vote: Aye – Richard G. Sponseller, Mayor
 Allan W. McWilliams, Recorder
 Wilson Kirby
 Allen Kitselman
 Lawrence Russell, III

Nay – None

Absent – Barry Nicholson

It was moved by Council member Kitselman, seconded by Recorder McWilliams and passed, that the Council of the Town of Berryville approve the request to reduce the bonds for the Hermitage Subdivision Phase 4B from \$748,150.00 to \$41,984.25 per View Engineering recommendation.

Recorded Vote: Aye – Richard G. Sponseller, Mayor
 Allan W. McWilliams, Recorder
 Wilson Kirby
 Allen Kitselman
 Lawrence Russell, III

Nay – None

Absent – Barry Nicholson

Motion
To name the lane serving Rose Hill Park from
Church Street "Smithy Lane"

I move that the Council of the Town of Berryville Town Council hereby names the private lane that serves Rose Hill Park from Church Street Smith Lane and that the name becomes effective on August 1, 2006. The Town Council hereby further confirms that this lane is privately owned and maintained and that the naming does not change the lane's designation as private.

Date: April 11, 2006

Motion By: Wilson Kirby

Second By: Allan W. McWilliams, Recorder

VOTE:

Aye: Richard G. Sponseller, Mayor
Allan W. McWilliams, Recorder
Wilson Kirby
Allen Kitselman
Lawrence Russell, III

Nay: None

Absent: Barry Nicholson

ATTEST:

Allan W. McWilliams, Recorder

**BERRYVILLE TOWN COUNCIL
MOTION FOR APPROVAL OF
BOND REDUCTION FOR HERMITAGE PHASE 3**

Date: April 11, 2006

Motion By: Allen Kitselman

Second By: Allan W. McWilliams, Recorder

I move that the Council of the Town of Berryville approve the request to reduce the bonds for the Hermitage Subdivision Phase 3 to \$2,923.00 and \$3,066.00 per View Engineering recommendation.

VOTE:

Aye: Richard G. Sponseller, Mayor
Allan W. McWilliams, Recorder
Wilson Kirby
Allen Kitselman
Lawrence Russell, III

Nay: None

Absent: Barry Nicholson

ATTEST:

Allan W. McWilliams, Recorder

**BERRYVILLE TOWN COUNCIL
MOTION FOR APPROVAL OF
BOND REDUCTION FOR HERMITAGE PHASE 4B**

Date: April 11, 2006

Motion By: Allen Kitselman

Second By: Allan W. McWilliams, Recorder

I move that the Council of the Town of Berryville approve the request to reduce the bonds for the Hermitage Subdivision Phase 4B from \$748,150.00 to \$41,984.25 per View Engineering recommendation.

VOTE:

Aye: Richard G. Sponseller, Mayor
Allan W. McWilliams, Recorder
Wilson Kirby
Allen Kitselman
Lawrence Russell, III

Nay: None

Absent: Barry Nicholson

ATTEST:

Allan W. McWilliams, Recorder

Ms. Dunkle reported that the Planning Commission will be holding a public hearing on a definition for pharmaceutical centers, the BADA will hold a public hearing on the preliminary plat for Battlefield Estates and the BZA will hold a public hearing regarding setbacks at 9 Bundy Street.

Report of the Town Manager

Street Priorities

Mr. Dalton said that the road improvement priorities discussed at the last meeting were sent along to the Mike Hobert and the board of Supervisors.

Mr. Dalton said that he and Mr. Kirby had a draft agreement with the Barns of Rose Hill for review at the May Council meeting.

He also said that he has received a request from a citizen about banning all open air burning within the Town limits. There was a general discussion of a burning ban. Mayor Sponseller directed staff to conduct a survey of how other Town's deal with the issue and report back at the May meeting.

Mr. Dalton said that he spoke to Chairman Nicholson and he and Mr. Kirby will be meeting prior to the next meeting to discuss availability fees as they apply to existing homes that are currently not on central services.

Mr. Dalton said that he has heard some concerns expressed about the condition of downtown and that there is some progress in this area. He said that the new Mario's is a good example of a positive change and that the old Mario's is also being rehabilitated to house a restaurant. He said that the Battletown Inn has also been undergoing a transformation. He said that he would be meeting next week with the owner of the derelict property next to the old Mario's.

He said that after the Town Office is completed it will be time to start another long range improvement project. He said that the Community Improvements Committee is working on a list of possible downtown improvements.

Mr. Dalton said that the project at the intersection of Main Street and Jack Enders Boulevard has begun. He said that before the work was started the town had to complete a sewer main project, relocate a fire hydrant, and relocate a water lateral.

He also noted that the sewer project on Academy Extended should begin in the next two weeks.

Reports of Standing Committees

a. Police & Security - Allan W. McWilliams, Chair
Nothing to add.

b. Community Improvements – Barry Nicholson, Chair
Nothing to add.

c. Streets & Utilities – Barry Nicholson, Chair
Nothing to add.

d. Planning Commission Liaison - Lawrence Russell, Chair
Nothing to add.

e. BADA Liaison
Nothing to add.

f. Personnel/Appointments – Richard Sponseller, Chair
Nothing to add.

g. Budget/Finance/CIP - Allan W. McWilliams
Recorder McWilliams reported that revenues are at 57.35% and expenses are at 34%.
He said that a public hearing needs to be set for April 25, 2006 regarding and on the
Budget for May 9, 2006.

The Council unanimously set a public hearing on Real Estate, Machinery and Tools and
Personal Property Tax Rates for April 25, 2006 at 6:00 p.m.

The Council unanimously set a public hearing on the 2006-2007 Fiscal Year Budget for
May 9, 2006 at 7:30 p.m.

There being no further business, on motion by Recorder McWilliams, second by Council
member Kirby and passed the Council meeting was adjourned at 8:15 p.m.

Richard G. Sponseller, Mayor

Allan W. McWilliams, Recorder